

REMARKS

Reconsideration of the present application is respectfully requested in view of the following remarks. Prior to entry of this response, Claims 1-26 and 28-29 were pending in the application, of which Claims 1 and 18 are independent. In the Final Office Action dated April 16, 2007, Claims 16 and 26 were rejected under 35 U.S.C. § 101 and Claims 1-26 and 28-29 were rejected under 35 U.S.C. § 103(a). Following this response, Claims 1-15, 18-25 and 28-30 remain in this application with Claims 30-32 being added by this Amendment and Claims 16-17 and 26 being canceled without prejudice or disclaimer. Applicants hereby address the Examiner's rejections in turn.

I. Interview Summary

Applicants thank Examiners Long and Bashore for the courtesy of a telephone interview on June 11, 2007, requested by the undersigned to discuss the rejection of the current claims under 35 U.S.C. § 103. During the interview, Applicants asserted that the cited references do not anticipate or render obvious the claims as currently amended. No agreement was reached regarding patentability.

II. Rejection of the Claims Under 35 U.S.C. § 101

In the Final Office Action dated April 16, 2007, the Examiner rejected Claims 16 and 26 under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 16 and 26 have been canceled without prejudice or disclaimer rendering this rejection of Claims 16 and 26 moot.

III. Rejection of the Claims Under 35 U.S.C. § 103(a)

In the Final Office Action, the Examiner rejected Claims 1-26 and 28-29 under 35 U.S.C. § 103(a) as being unpatentable over Outlook 2000 In a Nutshell: A Power User's Quick Reference ("Syroid") in view of Microsoft Outlook (2000) ("Outlook"). Claims 1 and 18 have been amended, and Applicants respectfully submit that the amendments overcome this rejection and add no new matter.

Amended Claim 1 is patentably distinguishable over the cited art for at least the reason that it recites, for example, "receiving a request to create the electronic message handling rule, wherein receiving the request to create the electronic message handling rule comprises receiving the request to create the electronic message handling rule from a user interface button displayed within an electronic message reading pane."

Amended Claim 18 includes a similar recitation. Support for these amendments can be found in the specification at least on page 14, line 28 through page 15, line 6.

In contrast, Syroid at least does not disclose the aforementioned recitations. For example, Syroid merely discloses that rule-based sorting allows a user to automatically sort and manage large e-mail volumes by applying conditional rules to incoming messages. (See page 244, lines 27-29.) In Syroid, the user must select "Tools" from a menu bar. (See page 246, line 1.) After "Tools" is selected from the menu bar, the user must then select "Rules Wizard" to open a dialog box for creating a rule. (See page 246, lines 1; Figure 6-14.) Consequently, in Syroid, the user must select options from a menu bar because Syroid forces the user to select options from a menu bar. In contrast, Syroid does not suggest or disclose a user interface button displayed within a reading pane.

In addition, *Outlook* does not overcome *Syroid*'s deficiencies. *Outlook* merely discloses OUTLOOK screen shots. A user interface button is not disclosed by this material. (See Figures 1-4.) Like *Syroid*, *Outlook* at least does not teach or suggest a user interface button displayed within a reading pane.

Combining *Syroid* with *Outlook* would not have led to the claimed invention because *Syroid* and *Outlook*, either individually or in combination, at least do not disclose or suggest "receiving a request to create the electronic message handling rule, wherein receiving the request to create the electronic message handling rule comprises receiving the request to create the electronic message handling rule from a user interface button displayed within an electronic message reading pane," as recited by amended Claim 1. Amended Claim 18 includes a similar recitation. Accordingly, independent Claims 1 and 18 each patentably distinguishes the present invention over the cited art, and Applicants respectfully request withdrawal of this rejection of Claims 1 and 18.

Dependent Claims 2-15, 19-25, and 28-29 are also allowable at least for the reasons described above regarding independent Claims 1 and 18, and by virtue of their respective dependencies upon independent Claims 1 and 18. Accordingly, Applicants respectfully request withdrawal of this rejection of dependent Claims 2-15, 19-25, and 28-29.

IV. New Claims

Claims 30-32 has been added by this amendment. Applicants respectfully submit that these claims are allowable over the cited art and that they add no new matter.

V. Conclusion

Applicants respectfully request that this Amendment After Final be entered by the Examiner, placing the claims in condition for allowance. Applicants respectfully submit that the proposed amendments of the claims do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Finally, Applicants respectfully submit that the entry of the Amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicants respectfully submit that the claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicants therefore request the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

In view of the foregoing, Applicants respectfully submit that the pending claims, as amended, are patentable over the cited references. The preceding arguments are based only on the arguments in the Final Official Action, and therefore do not address patentable aspects of the invention that were not addressed by the Examiner in the Final Official Action. The claims may include other elements that are not shown, taught, or suggested by the cited art. Accordingly, the preceding argument in favor of patentability is advanced without prejudice to other bases of patentability. Furthermore, the Final Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Final Office Action.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 13-2725.

Respectfully submitted,
MERCHANT & GOULD P.C.

P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5066

/D. Kent Stier/

Date: July 16, 2007

D. Kent Stier
Reg. No. 50,640

DKS:ARL:mdc

